



FOR CLERK USE ONLY

City Council

Item No. 5

## CITY COUNCIL OF THE CITY OF CALEXICO FACT SHEET

City Administration

Department

June 15, 2010

Requested Date

**1. Request:**City Council approval ☒Other (specify) ☐Information Only/  
Presentation ☐Hearing ☐**2. Requested Action:**

Approve resolution and authorize City Manager to sign the Memorandum of Understanding between the Calexico Police Officer's Association for Fiscal years 2010 - 2012.

**3.**Decrease ☐

Amount: \_\_\_\_\_

Cost:

Increase ☐

Source: \_\_\_\_\_

Decrease ☒

Amount: \_\_\_\_\_

\$607,608.00

Does Not Apply ☐**4. Reviewed By:**

Finance Dept. on \_\_\_\_\_

By: \_\_\_\_\_

Comments: \_\_\_\_\_

City Attorney on \_\_\_\_\_

By: \_\_\_\_\_

Comments: \_\_\_\_\_

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

CLERK USE ONLY:

CITY COUNCIL DATE: \_\_\_\_\_

Action ☐Filing ☐Consent ☒Presentation ☐Hearing ☐Other(specify) ☐

Reviewed by: City Clerk \_\_\_\_\_  
Date \_\_\_\_\_

City Manager \_\_\_\_\_  
Date \_\_\_\_\_

## **CITY COUNCIL AGENDA REPORT**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING AND ADOPTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CALEXICO POLICE OFFICERS' ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY**

**AGENDA DATE: June 15, 2010**

**PREPARED BY: Victor Carrillo, City Manager**

**APPROVED FOR AGENDA BY: Victor Carrillo, City Manager**

**RECOMMENDATION:** Approve resolution and authorize City Manager to sign the Memorandum of Understanding between the Calexico Police Officer's Association for Fiscal years 2010-2012.

**FISCAL IMPACT: \$607,608.00 savings, equivalent to 312 furlough hours FY 2010-2011**

**BACKGROUND:** Employer-Employee Relations for the City are governed by California Government Code section 3500 through 3511, known as the Meyers-Milias-Brown Act, and Calexico City Council Resolution No. 2204, entitled: "Resolution of the City Council of the City of Calexico Pertaining to Employer-Employee Relations for the City of Calexico," dated July 7, 1970, which is also referred to as the "Employer-Employee Relations Resolution of the City of Calexico." Approval of the terms and conditions of new employment agreements between the City and bargaining units requires a meet and confer process pursuant to the Government Code.

Section 15 of the City's Employer-Employee Relations Resolution of the City of Calexico provides: "When the meeting and conferring process is concluded between the City and a formally recognized employee organized representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized City and majority representatives. As to those matters within the authority of the City Council, the memorandum of understanding shall be submitted to the City Council for determination."

The Memorandum of Understanding ("MOU") between the City and the Calexico Police Officers' Association ("POA" or "bargaining unit") for fiscal year 2009-2010 will expire on June 30, 2010. Pursuant to Article 1, Section 2 of the current MOU, the terms and conditions of the current MOU remain in place governing matters until a new MOU is agreed upon by the City and POA.

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The MOU before the Council has been ratified and approved by the membership of the bargaining unit. Upon approval of the Resolution before the City Council, the MOU shall reflect the sole agreement of the parties and supersede all prior agreements whether written or oral.

**DISCUSSION:**

The economic changes from the previous MOU are as follows:

- POA has agreed to be subject to work furlough in an amount equivalent to 26 days (312 hours, 12 hours per pay period) for Fiscal Year 2010-2011.

Attachments: Resolution  
MOU  
POA Ratification of MOU approval  
Letter of Intent to Enter into a MOU

**RESOLUTION NO. 2010-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO,  
CALIFORNIA, APPROVING AND ADOPTING A MEMORANDUM OF  
UNDERSTANDING BETWEEN THE CITY AND THE CALEXICO POLICE  
OFFICERS' ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO  
SIGN THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE  
CITY**

**WHEREAS**, Employer-Employee Relations for the City of Calexico (hereinafter, "City") are governed by California Government Code section 3500 through 3511, known as the Meyers-Milias-Brown Act, and Calexico City Council Resolution No. 2204, entitled: "Resolution of the City Council of the City of Calexico Pertaining to Employer-Employee Relations for the City of Calexico," dated July 7, 1970, which is also referred to as the "Employer-Employee Relations Resolution of the City of Calexico"; and

**WHEREAS**, the Memorandum of Understanding between the City and Calexico Police Officers' Association (hereinafter, "bargaining unit") for fiscal years 2009-2010 will expire on June 30, 2010; and

**WHEREAS**, the City and the bargaining unit have reached agreement for a new MOU for the period of July 1, 2010 through June 30, 2012 on the condition that the bargaining unit will be subject to work furlough in an amount equivalent to 26 days (312 hours, 12 hours per pay period) for Fiscal Year 2010-2011; and

**WHEREAS**, Section 15 of the Employer-Employee Relations Resolution of the City of Calexico provides: "When the meeting and conferring process is concluded between the City and a formally recognized employee organized representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written memorandum of understanding signed by the duly authorized City and majority representatives. As to those matters within the authority of the City Council, the memorandum of understanding shall be submitted to the City Council for determination." and

**WHEREAS**, by vote of the bargaining unit membership, the bargaining unit is formally represented by the Calexico Police Officers' Association and

**WHEREAS**, the MOU is entered into by and between the City and the bargaining unit; and

**WHEREAS**, the MOU has been ratified and approved by the membership of the bargaining unit;

**WHEREAS**, upon approval of this Resolution by the City Council, the MOU shall reflect the sole agreement of the parties and supersede all prior agreements whether written or oral; and

**NOW, THEREFORE**, be it resolved, determined, and ordered by the City Council of the City of Calexico:

**Section 1.** The above recitals are true and correct, and are deemed to be findings by the City Council.

**Section 2.** The Memorandum of Understanding for Fiscal Year 2010-2012 between the City and the bargaining unit referenced herein is hereby approved and adopted and the City Council authorizes the City Manager to sign the Memorandum of Understanding on behalf of the City.

PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by the following City Council of the City of Calexico.

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David B. Ouzan, Mayor  
City of Calexico, California

ATTEST AND CERTIFICATION:

I hereby certify that this is a true and correct copy of Resolution No. \_\_\_\_\_.

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LOURDES CORDOVA, City Clerk  
City of Calexico, California

APPROVED AS TO FORM:

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JENNIFER M. LYON, CITY ATTORNEY

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF CALEXICO AND  
THE CALEXICO POLICE OFFICER'S ASSOCIATION  
2010-2012 MOU EXTENSION

Pursuant to Government Code Section 3500 et seq., representatives of the City of Calexico have met and conferred in good faith with representatives of the Calexico Police Officer's Association, and have reached agreement to recommend that the City Council take the actions identified in the Memorandum of Understanding. Upon adoption by the City Council, all recommendations made herein shall become binding agreements upon the parties.

The following changes are the only changes to the existing MOU, dated July 1, 2009 through June 30, 2010. All terms and conditions in place, including those in the July 1, 2009 through June 30, 2010 MOU, and the changes outlined in this agreement, shall remain in effect from July 1, 2010 through June 30, 2012.

Article 3 – Employee and Association Rights

Section 7 – Union Release Time

On July 1 of each year, the City agrees to deduct from each Association member's vacation or compensatory time bank twelve (12) hours, which are then to be contributed to an Association Release Time Bank. The City shall create and manage this Bank and allow the Association, with reasonable notice, paid time off to conduct union business, matters, and training. The City agrees that the Association is vested in the Bank time contributed. The City agrees that it shall, prior to July 1, provide the Association member notice of this provision and the option to decide whether the Bank time should be removed from the member's vacation bank or comp time bank. Members who do not respond shall have the bank time removed from either bank at the City's option.

Article 5- Compensation & Overtime Pay

Section 17

Employees agree to a work furlough for fiscal year 2010-2011 only, effective July 1, 2010 through June 30, 2011, in the amount of 312 hours. An amount equivalent to 12 hours a pay period will be deducted from each employee's salary beginning July 1, 2010 through June 30, 2011. The furlough hours shall remain in a furlough leave balance account for each employee, which must be used during fiscal year 2010-2011, according to subsections (A) through (E) below.

The City and the Association agree that if Measure H fails, the parties will have the option of reopening negotiations on the issue work furloughs only for fiscal year 2011-2012. If Measure H fails, the party requesting to reopen negotiations on the issue of work furloughs shall notify the other party in writing of its request to negotiate within 30 days of the contract's expiration.

Work furlough is subject to the following rules:

- A. Employees' regular paycheck shall be reduced by an amount equal to the total dollar amount of furlough divided by the number of pay periods remaining in the fiscal year.
- B. The use of furlough hours must be pre-approved by employee's immediate supervisor. In cases where approvals relating to which employee within a particular classification will work during the furlough period, seniority shall not be the sole determining factor. Consideration shall also be given to employee preferences, equity, and

needs of the employee's Department and the City. Employees will not be denied use of furlough leave for arbitrary or capricious reasons. The City will have a legitimate business need to deny an employee's request for furlough leave.

- C. Furlough hours will be prorated for new hires, terminating employees, and employee who have an established schedule of three-quarter (3/4) time or less.
- D. Employees scheduled to be off during a furlough period, who are called in to work due to operational necessity, shall have the option of having appropriate number of hours of furlough leave credited to their furlough leave bank or receiving overtime compensation for the actual hours worked.
- E. In consideration of participating in the work furlough program described herein, each bargaining unit member shall be awarded one floating holiday each fiscal year. This floating holiday shall be awarded in each fiscal year solely on the condition that bargaining unit members participate in the work furlough program as described herein. The floating holiday must be used during the fiscal year it was obtained.

#### Article 16 – Savings, Zipper & Duration

##### Section 3 – Term of MOU:

The term of this MOU shall be July 1, 2010 through June 30, 2012.

##### Section 5 – Maintenance of Benefits:

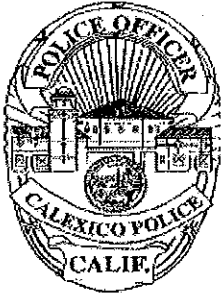
There will be no change in the existing terms and conditions of employment unless changed by Memorandum of Understanding.

  
Rudy Alarcon  
President, Calexico Police  
Officers' Association

06-03-10  
Date

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date



# *Calexico Police Officers Association*

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420 EAST FIFTH STREET • CALEXICO, CALIFORNIA 92231  
TEL. (760) 768-2140 FAX (760) 357-1241

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June 3, 2010

Victor Carillo,

The Calexico Police Officer Association has met with all Calexico Police Officer's represented by the CPOA. All Police Officer's are in agreement with the decisions made by the negotiating team and agree to enter the proposed MOU.

Best Regards,



Rudy Alarcon

Calexico Police Officer Association



### **Letter of Intent to Enter into a Memorandum of Understanding**

WHEREAS, the Memorandum of Understanding ("MOU") between the City and the Calexico Police Officers' Association ("POA") for fiscal year 2009-2010 expires on June 30, 2010; and


WHEREAS, the parties held "meet and confer" sessions in an effort to reach an agreement on a new MOU;

NOW THEREFORE, the City Manager and POA mutually agree as follows:

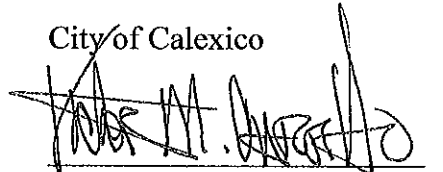
- 1.) To the provisions in the Attached 2010-2011 MOU Extension;
- 2.) After signing below, the POA will immediately submit the MOU Extension to its membership for ratification;
- 3.) That the City will submit the MOU Extension to the City Council for final approval at the next regular meeting after the City has been informed that the POA membership has approved the MOU Extension; and
- 4.) The MOU Extension will only be effective after Council issues its final approval at a City Council meeting.

Executed on June 3, 2010 in Calexico, California by:

POA:

  
POA President

City of Calexico

  
Victor Carrillo, City Manager